

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE Acetaminophen – ASD-ADHD Products Liability Litigation	
This Document Relates To: Katie Brehm, Individually and as Mother, General Guardian of E.B., and E.B., a Minor	Docket No. 22-md-3043 (DLC)
Case Name: Brehm et al. v. Johnson & Johnson Consumer, Inc. et al.	
Case No. 1:23-cv-02944 (DLC)	

**DECLARATION OF BRETT A. EMISON IN SUPPORT OF PLAINTIFFS’ REPLY TO
DEFENDANTS’ MEMORANDUM OF LAW IN SUPPORT OF THEIR OPPOSITION
TO PLAINTIFFS’ MOTION FOR LEAVE TO AMEND**

I, Brett A. Emison, declare as follows:

1. I am an attorney at Langdon & Emison, LLC, and my law firm was hired as counsel for Plaintiffs in the above-captioned matter.
2. I submit this declaration in support of Plaintiffs’ Reply to Defendants’ Memorandum of Law in Support of their Opposition to Plaintiffs’ Motion for Leave to Amend.
3. Plaintiffs’ counsels’ understanding was that the primary intent of the Court’s Order entered on August 16, 2023 (Emison Decl., ECF No. 040, ¶ 4, Ex. 2) was for the SFCs currently on file to be amended to reflect the Court’s rulings on the various motions to dismiss filed by defendants and the newly filed Amended Master Complaints. *See also* Joint Letter Regarding Amended Pleadings, Case No. 1:22-md-03043-DLC, ECF No. 772, Exhibit 1.
4. Around the same time, disputes arose between the parties regarding inconsistencies between the SFCs filed and PFSs served. The Court appeared to Plaintiffs’ counsel to address these disputes in part by also ordering that Plaintiffs could “add defendants

already identified in a plaintiff's previously filed PFS[.]” Emison Decl., ECF No. 040, ¶ 4, Ex. 2. The Order further provided “that any other amendment to any SFC, including the joinder of additional parties, the identification of an additional product, and/or the addition of a claim, shall require the written consent of all defendants in the action or leave of Court, pursuant to Fed. R. Civ. P. 16.” *Id.* The Court also stayed deadlines relating to PFSs during this time. *See, e.g.*, Emison Decl., ECF No. 040, ¶ 8, Ex. 6.

5. Prior to this Court's Order, Defendants served a deficiency notice identifying certain inconsistencies between Plaintiffs' SFC and PFS.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct. Executed on September 22, 2023.

Respectfully submitted,

LANGDON & EMISON LLC



By: _____

Brett Emison, MO Bar # 52072 (admitted *pro hac vice*)

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***Counsel for Plaintiffs Katie Brehm, Individually
and as Mother, General Guardian of E.B., and
E.B., a Minor***

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2023, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users.

By: 
